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## BOOK REVIEWS.

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SELECT CASES AND OTHER AUTHORITIES ON THE LAW OF PROPERTY, by Edward H. Warren, Story Professor of Law in Harvard University. Langdell Hall, Cambridge: Published by the Editor, 1915. pp. xiv., 856.

This possesses more of general interest to the profession than the ordinary case book, as it has been made in accordance with the plan of professors in the Harvard Law School to reshape the work of the first year. This single volume covers the subject matter of Volumes I and II of GRAY'S "CASES ON PROPERTY", the fourteen hundred pages of GRAY being reduced by more than five hundred pages. This condensation has been effected, so far as the cases used by GRAY also are concerned, by cutting down the statements of facts, taking only important excerpts from long opinions, omitting dissenting opinions, also corroborative opinions that add nothing to the main decision, and other editorial devices that may decrease the bulk without affecting the essentials. There is a like rigorous editing of the cases that have been added by the present editor. The greatest condensation has been made in the law of real property, the last half of Volume I and all of Volume II of GRAY "ON PROPERTY" being condensed into a little less than four hundred pages.

It should not be supposed, however, that the new book is a mere re-editing of the old Harvard case books on property. Quite the contrary of this is true. Of the 232 cases in the first volume of GRAY, WARREN has used 63, and of the 222 cases in GRAY'S second volume only 19 are found in the new book. More than three-fourths of it thus represents independent investigation of the reports and new arrangement of the cases, and it may be presumed that the new book, as well as the old, is based on a reading of all the cases. The 454 cases of the first two volumes of GRAY are supplanted by 335 in the new book.

The arrangement has been radically changed. The introductory matter on personal property and on real property, which we have had difficulty in teaching, has been dropped entirely. Book I, "Possession," discusses the nature of possession and rights based on possession. The discussion of the former under the captions of "power of control" and "intent to control" suggest the "*corpus*" and "*animus*" of PAULUS, followed by SAVIGNY and others of the historical school. Book II deals with the several methods of acquiring title, closing with a chapter contrasting title with possession, in the distinctions between a sale and a bailment. Book III, on liens and pledges, brings to an end the subject of personal property, covering almost exactly the same number of pages as in GRAY, "ON PROPERTY."

The most material alteration in the arrangement is found in Book IV., "Conversion." This is introduced into the book on property, apparently on the theory that infringements upon a right may be better treated from the standpoint of the right infringed upon than from that of the injury violative of the right. It would seem that the full treatment of the subject of

trover here would necessarily mean a much less extensive consideration of it in the course in torts or, according to our new nomenclature, "legal liability."

The subject of real property begins with an "Introduction to the Law of Conveyancing," but follows the old order pretty closely throughout Book V: tenures, estates, reversions and remainders, seisin, a chapter on methods of creating or transferring estates, and a chapter on rents, concluding with the statute of uses. The last two books on rights incident to ownership start with land and proceed with those forms of property more or less closely connected with land; namely, air, water, fixtures, emblements, etc., with a concluding chapter on covenants running with the land. Notes with citations of corroborative or contradictory cases are more numerous than in the older case books and notes by way of introduction to the theme and of correlation with the rest of the subject are found at the beginnings of Book II and Book IV, while the same thing is accomplished for Book V by short citations from BLACKSTONE.

It seems natural, even inevitable, that a period of great creative activity in any field should be followed by a period devoted to assimilation of the results obtained earlier. The wonderful creative fifth and fourth centuries of the Golden Age of Greek literature were followed by the Alexandrian Period in the following years and a similar phenomenon has frequently been noted since in various fields of intellectual effort. To one observing the legal profession at the present time, at least the teaching or professorial part of it, we seem to be in our Alexandrian Period. The leaders of the past generation worked out of our chaotic original sources a body of scientific knowledge and presented it in such a form as to carry the profession, in America at least, farther in one generation than it had progressed in all the preceding years of our history. But when we began to combine the results of the workers in the several fields into one compact body of doctrine for presentation in our law schedule we have found many overlappings, repetitions and inconsistencies which must be removed if we are to be faithful followers of our great twin gods, "Economy" and "Efficiency."

This new case book fulfills admirably the purpose above indicated. In quantity there is a welcome reduction of more than one-third, the overlapping with other subjects has been avoided, and the changes in order and method of presentation are such as to commend themselves to any teacher of the subject. The book is a helpful addition to our working apparatus for first year classes, though there will be some mechanical difficulties in making it fit our present schedules until the other case books are prepared on the new program.

J. H. D.

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SELDEN SOCIETY. VOLUME XXX. SELECT BILLS IN EYRE, A. D. 1292-1333.  
 Edited by William Craddock Bolland. London: Bernard Quaritch.  
 1914. pp. lxiii, 174.

In the course of editing the Eyre of Kent (6 & 7 Edward II.) for the Selden Society Mr. BOLLAND discovered a course of procedure which existed